

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

IN RE: TAFT,

Case No. 2:13-CV-1357 JCM (CWH)

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Hoffman. (Doc. # 3). No objections were filed, and the deadline for filing objections has passed.

Plaintiff submitted a notice of appeal on July 30, 2013. (Doc. # 1). On April 29, 2014, the court ordered that plaintiff would have until May 29, 2014, to file an application to proceed in forma pauperis or pay the filing fee. (Doc. # 2).

The court also noted that a preliminary screening of plaintiff's initiating documents indicated that subject matter jurisdiction is lacking in this case. The court therefore ordered plaintiff to file a new complaint stating the grounds for the court's jurisdiction.

Plaintiff failed to submit an application to proceed in forma pauperis or pay the filing fee by the court's deadline. Plaintiff also did not file a new complaint or otherwise indicate to the court any basis for subject matter jurisdiction in this case. Accordingly, Magistrate Judge Hoffman recommended that the case be dismissed.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See United States v. Reyna–Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna–Tapia* as adopting the view that district courts are not required to review “any issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s recommendation, then this court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation to which no objection was filed).

Nevertheless, this court finds it appropriate to engage in a de novo review to determine whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation and underlying briefs, this court finds good cause appears to ADOPT the magistrate judge’s findings in full.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and recommendation of Magistrate Judge Hoffman, (doc. # 3), are ADOPTED in their entirety.

IT IS FURTHER ORDERED that this action be, and the same hereby is, DISMISSED.

The clerk shall close the case.

DATED March 27, 2015.


UNITED STATES DISTRICT JUDGE